

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV-10208-JLT

EDUARDO LOPEZ, *Pro Se*,)
Plaintiff,)
)
v.)
)
MICHAEL MALONEY, EDWARD FICCO,)
and MARK REILLY,)
Defendants.)

DEFENDANTS' MOTION TO DISMISS

Now come defendants, in the above-entitled action, and hereby move this Honorable Court to dismiss the Complaint against them for failure to state a claim for which relief may be granted pursuant to Fed. R. Civ. P. 12(b)(6). The grounds for defendants' motion are set forth in their memorandum of law filed herewith.

WHEREFORE, defendants respectfully request this Honorable Court ALLOW defendants' Motion to Dismiss.

Respectfully Submitted,

NANCY A. WHITE
Special Assistant Attorney General

Dated:January 28, 2005

/s/ Julie E. Daniele
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CERTIFICATION OF SERVICE

I, Julie E. Daniele, Counsel, hereby certify that a true and accurate copy of the foregoing was sent, this date, to plaintiff, Eduardo Lopez, pro se, via first class mail.

January 28, 2005

/s/ Julie E. Daniele